

# United States District Court

for the  
Western District of New York

United States of America

v.

Case No. 22-mj-1021

MICHAEL FRATINI

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From in or about October 2021, to on or about March 18, 2022, in the Western District of New York, the defendant, MICHAEL FRATINI, did knowingly, willfully and unlawfully combine, conspire, and agree with another person known to the government, to employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which visual depictions were to be produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depictions were to be transported and transmitted in and affecting interstate and foreign commerce and using any means and facility of interstate and foreign commerce:

all in violation of Title 18, United States Code, Section 2251(e).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



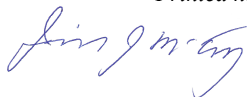
*Complainant's signature*

Steven R. Miller, Special Agent, FBI

*Printed name and title*

Sworn to before me and signed telephonically.

Date: March 19, 2022



*Judge's signature*

City and State: Buffalo, New York

HON. JEREMIAH J. MCCARTHY, USMJ

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF COMPLAINT**

I, Steven R. Miller, being duly sworn, depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation and entered on duty in 2007. I am currently assigned to the Buffalo Field Office Child Exploitation Task Force which targets individuals involved in the on line sexual exploitation of children. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging **MICHAEL FRATINI (hereinafter "FRATINI")** with a violation of Title 18, United States Code, Section 2251(e) (conspiracy to produce child pornography).

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, and upon my training and experience. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that **FRATINI** violated Title 18, United States Code, Section 2251(e).

4. The investigation to date has shown probable cause to believe that MICHAEL FRATINI has used a certain telephone number to solicit an adult female to take nude photographs and of her pre-pubescent daughters, and to meet her and her daughters at a hotel for the purpose of engaging in sexual activity.

5. On or about February 14, 2022, a detective with the Erie County Sheriff's Office (ECSO) reported to the FBI's Child Exploitation Task Force that their department believed FRATINI used his cellular telephone to solicit nude photos and videos of the pre-pubescent daughters of a female acquaintance (hereinafter Witness 1). FRATINI and Witness 1 met in October 2021 through a dating app and ended up meeting in person. Witness 1 did not hear from him after their meeting until recently when they met through another dating app. FRATINI and Witness 1 spoke over the phone, with FRATINI using a particular telephone number, during which FRATINI told Witness 1 that he had a mother/daughter fantasy. Witness 1 thought he meant her and her mother, but discovered his real meaning via text after their phone conversation. FRATINI texted Witness 1 "Can I get vids and pics to fulfill my fantasy? Like how you said... I watch my porn while we play. But I don't have any of that porn.. I've never seen it. Could a mom help me in that way or am I about to be judged? I Just want butts.. bath time.. shower. Sleeping.. anything? I'm sorry but I have to try. Please forgive me. It would only stay between us. Pleeeaaaseeeee. I feel bad for asking such a thing." Upon receiving this text, Witness 1 made a report to the ECSO.

6. After consultation with an ECSO detective, Witness 1 re-established contact with FRATINI via text and explained to him that she was caught off guard by the request, she did not judge him, and that she is open to it. FRATINI responded, "Ooo yea?" Witness 1 asked specifically what he was looking for, and told him that they were 5, 5, and 6. FRATINI texted "I want to sneak in.. look.. maybe touch and or taste.. like a ninja.. while you play with me. I want to fuck you or you suck me while Im.in there". When asked about photos, FRATINI texted, "Yes Mmmm spread there ass for me.. i want to see little tight hole and pussy from behind Omg that would be hot". Witness 1, under the direction of the ECSO detective, responded, "Oh yea? I think I could that". FRATINI then texted, "I would do anything you want for that Or small videos even better Easier that way". FRATINI continued, "I wish I could lick them But this will do :) What I really want is a lot.. I wish I could cum and you like it off her ass I know you would never do that but would be intense Or blind fold.. and see how big my cock looks in her hands.. And mouth Mmmmmmm (3 angel emojis) I guess I can dream". Witness 1, under the direction of the ECSO detective, sent a meme, which FRATINI responded with, "You sent that and I got excited cause it said image sent". Subsequent texts from FRATINI include the following, "And also. Whatever video or pics you show me send me stay between us and i delete that shit right after. Too risky for me to keep and I want then for me and only me." and "They sleep everynight.. bathtime.everday ? Lol.and you can't sneak.me.anything ? Ugggggg".

7. Further texts from FRATINI discuss his desire to meet with Witness 1 and her daughters at a hotel to make the pictures/videos, and possibly engage in sexual activity. Specifically, FRATINI texted, "Just let me know where at and if it's a solid plan. Tomorrow

Friday?”. Witness 1, under the direction of the ECSO detective, responded, “Omg no Like next week Friday 3/11 And it’s for sure”. FRATINI asked, “Where at?”, and Witness 1 responded, “I still have to figure that out I think I want somewhere with a pool lol”. FRATINI responded, “True Pool shower and asleep naked :)” followed by an angel emoji. On March 9, 2022, FRATINI texted “Give me your daughter’s mwahahah” and stated that he still wants to play with her. Witness 1, under the direction of the ECSO detective, texted their sleeping arrangement in the hotel, and that FRATINI will hang out with her on one bed and will not be sleeping over. FRATINI responded, “Ok ok So I can’t peak? Touch? Taste? Just curious Trying to figure out me boundaries is all”. The plan to have FRATINI meet Witness 1 at a hotel on Friday, March 11, 2022, was postponed a week due to the weather that night.

8. On March 18, 2022, at 7:34am, FRATINI texted her, “Morning :) What’s the plans”. Witness 1, under the direction of the ECSO detective, responded with the name of the hotel, and sent a link of the hotel to him. FRATINI answered, “Nicee :)” to which Witness 1 said, “Like 7:30?”. FRATINI replied “Ok”.

9. On Friday, March 18, 2022, at approximately 6:50pm, members of FBI Buffalo’s Child Exploitation Task Force surveilled FRATINI leaving his workplace, the U.S. Postal Service on Grant Street in Buffalo, NY. At 7:07pm, he texted Witness 1 that he would be leaving in 15 minutes. He drove his vehicle, a 2005 blue Chevrolet Malibu, New York State Plates, JDJ8275, from there to the hotel located in Amherst, NY. When he got in the vicinity of the hotel, he pulled into an adjacent hotel’s parking lot, and circled the parking lot

twice. He then left that parking lot, and entered the access road to the hotel, where he drove around the parking lot of the hotel for approximately 10 or 15 minutes. FRATINI texted Witness 1 to come outside the hotel, which she did. It was at this point, after he exited his vehicle, that he was encountered and interviewed by law enforcement officers. During the interview, FRATINI maintained that all of the chats were fantasy, and that the reason he was there at the hotel was to just have sex with Witness 1. He refused to give his passcode for his cellular telephone, and refused consent to search his vehicle. FRATINI also refused to sign the Advice of Rights form, and declined to take a polygraph examination to prove that this was all fantasy and that he had not had any sexual contact with children.

10. All of the written communications described above between Witness 1 and FRATINI occurred via text message, which occurred in or affecting interstate commerce.

11. As part of this investigation, the FBI obtained subscriber records for the telephone number used by FRATINI, which indicated that the number is subscribed to by FRATINI, and first became active under this account on September 30, 2019.

12. Based on the foregoing, there is probable cause to believe that **MICHAEL FRATINI** violated Title 18, United States Code, Section 2251(e).

A handwritten signature in blue ink, appearing to read "Steven R. Miller".

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Steven R. Miller, Special Agent  
Federal Bureau of Investigation

Sworn and subscribed telephonically  
this 19<sup>th</sup> day of March 2022.

A handwritten signature in blue ink, appearing to read "Jeremiah J. McCarthy".

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HON. JEREMIAH J. MCCARTHY  
United States Magistrate Judge